

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Resident Programming</u> STATEMENT NUMBER <u>7.62</u>
SUBJECT: <b>EARLY PAROLE CONSIDERATION</b>	EFFECTIVE DATE <u>08/15/01</u> REVIEW DATE <u>04/15/02</u> SUPERSEDES PPD# <u>7.62</u> DATED <u>01/15/99</u>
ISSUING OFFICER:   <u>Phil Stanley, Commissioner</u>	DIRECTOR'S INITIALS _____  APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

- I. **PURPOSE:**  
To establish a procedure to implement early parole hearings for inmates identified as meeting (RSA 651:25 VI) criteria.
- II. **APPLICABILITY:**  
All Classification staff, Unit Team staff and inmates.
- III. **POLICY:**  
It is the policy of the N.H. Department of Corrections to provide all eligible inmates a process for application and implementation of this provision.
- IV. **PROCEDURE:**
- A. Criteria:
1. Not serving an excludable offense as outlined in RSA 651:25 VI (Attachment 1).
  2. Not serving an escape sentence.
  3. Not serving a parole violation.
  4. Not having a consecutive sentence to serve at New Hampshire facilities.
  5. Not serving a sentence with a mandatory minimum.
  6. Completed serving at least one half of minimum sentence (including pre-trial credit).
  7. Has been approved or is eligible for C-2.
  8. Has had all forfeited disciplinary days restored; has an overall satisfactory disciplinary record and has satisfied all required in-house programs noted on the offender's pre-release plan. For those programs where on-going community programming is needed a viable plan for continuity must be in place.
- B. Process:
1. During the reception process, eligible inmates will be identified by the Classification staff.
  2. The Classification Staff shall ensure that inmates receiving an explanation of the program and the importance of meaningful participation and completion of the program requirements listed on the offender's pre-release plan.
  3. Inmates shall be advised that they must monitor their own progress towards meeting the identified requirements.
  4. When an inmate is confident that the program requirements have been met, or will be met within not more than four (4) months, a Classification board may be requested from the unit

- team. This request may come 120 days prior to completing one-half of the minimum sentence.
5. The Unit Team shall determine if:
    - a. the pre-release plan requirements have been met or are likely to be met.
    - b. the inmate is eligible for C-2, based on the current or potential P&I scores, considering the time to be served upon approval.
  6. If requirements (#5 above) are not met, the inmate will be advised of what must be done to become qualified.
  7. If these requirements appear to have been met, the Unit Team will make a recommendation to the Classification Officer.
  8. The Classification Officer shall review the board and the offender's pre-release plan and, if eligible, shall make a recommendation concerning an early parole hearing to the Warden.
  9. The Warden will authenticate the classification action acknowledging RSA 625 eligibility and approval for C-2 status for those selected individuals.
  10. The Classification Office shall notify Offender Records to prepare a synopsis and Judges letter. The synopsis will be prepared for the Clemency Board and the Judges letter will be sent to the Sentencing Court.
  11. The Clemency Board, shall recommend an early parole hearing (conditioned on no judicial objection), defer such approval for a later date, or disapprove the request.
  12. The early parole application, and the Clemency Board's recommendation will be provided to the Attorney General (A.G.) for review. The A.G. will then provide the Commissioner with consultation for consideration in making the final decision.
  13. The Commissioner will consider the Clemency Board's recommendation and the Attorney General's observations before making a final determination.
  14. The inmate will be advised by the Classification Office of the outcome of the Commissioners decision. Those recommended will be advised by the Parole Office of the date of their hearing.
  15. Inmates adversely affected by the Commissioner's decision may request reconsideration within 10 days of being notified of the adverse decision. Such reconsideration will be based on new information not previously available to the Commissioner whose decision is final.

#### REFERENCES:

Standards for the Administration of Correctional Agencies  
Second Edition. Standards

Standards for Adult Correctional Institutions  
Third Edition. Standards

Standards for Adult Community Residential Services  
Fourth Edition. Standards

Standards for Adult Probation and Parole Field Services  
Third Edition. Standards

#### Other

**RSA 651:25 VI**

VINSON/beo

Attachment

## § 651:25. Release from State Prison.

I. The commissioner of corrections may release any person who has been committed to the state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the commissioner pursuant to RSA 541-A, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court has been notified of the proposed release and has not objected within 10 days of receipt of such notice. The commissioner of corrections may permit inmates of the state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed by the state or by public or private employers.

II. The rates of pay and other conditions of employment of a person released for work shall be the same as those paid or required in the locality in which the work is performed. An inmate so employed shall surrender to the commissioner of corrections his total earnings less payroll deductions authorized by law, including income taxes. After deducting from the earnings of each person an amount determined to be the cost of the person's keep, the commissioner shall:

- (a) Allow the person to draw from the balance a sufficient sum to cover his incidental expenses;
- (b) Credit to his account such amount as seems necessary to accumulate a reasonable sum to be paid to him on his release;
- (c) Cause to be paid such part of any additional balance as is needed for restitution payments to authorized claimants pursuant to RSA 651:62 through 66;
- (d) Cause to be paid such part of any additional balance as is needed for the support of the person's dependents and notify the overseer of public welfare of the town, in which the person's dependents reside, of such support payments;
- (e) Pay the balance to the person when he is released.

III. Any part of a day a prisoner is employed outside the walls of the institution shall count as a full day toward the serving of his sentence as though served inside the walls. An inmate so employed outside shall be subject to the rules and regulations of the institution and be under the direction and control of the officers thereof.

IV. If an inmate released for work escapes or fails to return inside the walls of the institution as required by the rules or the orders of the officers thereof or if on administrative home confinement, knowingly leaves a place without authority to do so, such inmate shall be punished as provided by RSA 642:6. The commissioner of corrections may at any time recall a prisoner from such release status if the commissioner believes or has reason to believe the peace, safety, welfare, or security of the community may be endangered by the prisoner being under such release status.

V. A prisoner authorized to work at paid employment in the community under this section may be required to pay, and the commissioner of corrections is authorized to collect, such cost incident to the prisoner's confinement as the commissioner deems appropriate and reasonable. Such collections shall be deposited with the state treasurer as a part of the general revenue of the state.

VI. A low-risk, nonviolent prisoner who has not served sufficient time to be eligible for parole as provided in RSA 651-A:6, I, may be released on parole notwithstanding such provision, subject to the other provisions of RSA 651-A, provided that the following requirements are met before the parole board schedules a hearing on the proposed parole:

- (a) The prisoner has been sentenced to the state prison for an offense other than capital, first degree or second degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault or first degree assault;
- (b) The prisoner has been assigned a course of programs or treatment, has successfully completed such course, and has been found by the commissioner of corrections to be a suitable candidate for early parole;
- (c) The commissioner of corrections has submitted findings and a recommendation for early parole to the parole board; and
- (d) The commissioner of corrections has notified the sentencing court of the proposed parole, and the court has not objected in writing within 20 days of such notice.